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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

M-J-M-A-,

Petitioner,

v.

**JULIO HERNANDEZ; TODD
LYONS; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;
MARKWAYNE MULLIN; U.S.
DEPARTMENT OF HOMELAND
SECURITY; TODD BLANCHE,**

Respondents.

Case No.: 6:25-cv-02011-MTK

**UNOPPOSED MOTION FOR
LEAVE TO LATE FILE REPLY IN
SUPPORT OF MOTION TO
DISMISS**

LR 7-1 CERTIFICATION

Counsel for Respondents certifies she conferred with Petitioner's counsel about the relief sought herein. Petitioner does not oppose this motion.

MOTION

Respondents, through counsel, respectfully request the Court excuse the late filing of their reply in support of the motion to dismiss counts 1-6, which was filed one business day after the deadline.

DISCUSSION

Under Federal Rule of Civil Procedure 6(b), the Court may, for good cause, extend a party's time to file a pleading after the time to file the pleading has expired because of excusable neglect. "To determine whether a party's failure to meet a deadline constitutes 'excusable neglect,' courts must apply a four-factor equitable test, examining: (1) the danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1261 (9th Cir. 2010) (citing *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993)).

Respondents' late filing was due to excusable neglect. First, there has been no prejudice to Petitioner. The schedule set by the Court does not contemplate any further briefing on the motion to dismiss. Dkt. 104. Respondents' late filing does not impact any future deadline for Petitioner.

Second, the inadvertent delay does not materially impact these proceedings.

The Court ordered Respondents to file an optional reply by July 17, 2026. Respondents filed their reply on July 20, 2026, the next business day after their deadline.

Third, the reason for the delay in filing was Respondents' counsel's mistaken belief that her optional reply was due 14 days after Petitioner's response, as Local Rule 7-1(e)(2) contemplates. *See Sec. & Exch. Comm'n v. Alternate Energy Holdings, Inc.*, No. 1:10-cv-00621, 2015 WL 13620997, *1 (D. Idaho April 23, 2015) (finding error in calculating filing deadline due to miscalendaring was excusable).

Fourth, Respondents' counsel's mistake was in good faith. It was not until today, when she received an email from Petitioner's counsel notifying her of the late reply, that she realized the Court-ordered deadline was July 17, not July 20. Upon discovering her mistake, Respondents' counsel promptly filed this motion. Accordingly, Respondents have demonstrated excusable neglect and respectfully request the Court consider their late-filed reply.

CONCLUSION

Respondents respectfully request the Court grant this motion and consider their reply in support of their motion to dismiss, which was filed one business day after their deadline.

Respectfully submitted this 21st day of July, 2026.

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/s/ Ariana N. Garousi
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